

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
NICOLE SAVAGE BURKHEIMER, R.N., : FINAL DECISION AND ORDER
RESPONDENT. : ORDER 0000019

[Division of Enforcement Case # 08 NUR 266)]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Nicole Savage Burkheimer, R.N.
2502 Mt. Vernon Avenue
Janesville, WI 53545

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Board of Nursing
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Nicole Savage Burkheimer, R.N., (DOB February 7, 1978) is duly licensed as professional nurse in the state of Wisconsin (license # 144747). This license was first granted on July 31, 2003.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 1205 Manor Drive, Janesville, Wisconsin 53545, and her most recent correspondence with the Division of Enforcement, Department of Regulation and Licensing notes a name change to Nicole Burkheimer with an address of 2502 Mt. Vernon Avenue, Janesville, Wisconsin 53545..

3. At all times relevant to this action, Respondent was working as professional nurse at Home Health United, a home health agency, in Janesville, Wisconsin.

4. Respondent documented, in patient SG's medical record, a June 9, 2008 home health care visit for patient SG. A home health care visit was impossible at this time because patient SG was receiving dialysis and was not at home. The vital signs that Respondent recorded in the patient's medical record were taken from a prior visit that the Respondent had with the patient.

5. Respondent documented in patient JW's medical record a June 9, 2008, home health care visit for patient JW. In fact, Respondent did not visit patient JW on June 9, 2008. Respondent did not inform patient JW's physician that Respondent had not made this visit. The vital signs that Respondent recorded in the patient's medical record were taken from a prior visit that the Respondent had with the patient.

6. Respondent documented in patient DN's medical record a June 11, 2008 home health care visit for patient DN. In fact, Respondent did not visit patient DN on June 11, 2008. Respondent did not inform patient DN's physician that Respondent had not made this visit. The vital signs that Respondent recorded in the patient's medical record were taken from a prior visit that the Respondent had with the patient.

7. Respondent documented in patient HA's medical record June 11, and 17, 2008 home health care visits for patient HA. In fact, Respondent did not visit patient HA on June 11, 17, and 30, 2008. Respondent did not inform patient HA's physician that Respondent had not made these visits. The vital signs that Respondent recorded in the patient's medical record were taken from a prior visit that the Respondent had with the patient.

8. On June 11, 17, and 20, 2008, Respondent made phone calls to patient JZ, but documented in patient JZ's medical record the phone calls as home health care visits. Respondent did not inform patient JZ's physician that Respondent had not made those visits. The vital signs that Respondent recorded in the patient's medical record were taken from a prior visit that the Respondent had with the patient.

9. Respondent documented in patient FG's medical record June 13, 20, and 27, 2008 home health care visits for patient FG. In fact, Respondent did not visit patient FG on June 13,

20, and 27, 2008. Respondent did not inform patient FG's physician that Respondent had not made these visits. The vital signs that Respondent recorded in the patient's medical record were taken from a prior visit that the Respondent had with the patient.

10. Respondent documented in patient EW's medical record a June 16, 2008 home health care visit for patient EW. In fact, Respondent did not visit patient EW on June 16, 2008. Respondent did not inform patient EW's physician that Respondent had not made this visit. The vital signs that Respondent recorded in the patient's medical record were taken from a prior visit that the Respondent had with the patient.

11. Respondent documented in patient MW's medical record June 21, 22, and 26, 2008 home health care visits for patient MW. In fact, Respondent did not visit patient MW on June 21, 22, and 26, 2008. Respondent did not inform patient MW's physician that Respondent had not made these visits. The vital signs that Respondent recorded in the patient's medical record were taken from a prior visit that the Respondent had with the patient.

12. Respondent documented in patient FK's medical record a June 27, 2008 home health care visit to patient FK. In fact, Respondent did not visit patient FK on June 27, 2008. Respondent did not inform patient FK's physician that Respondent had not made this visit. The vital signs that Respondent recorded in the patient's medical record were taken from a prior visit that the Respondent had with the patient.

13. There were twelve home health care visits involving nine different patients that Respondent submitted fraudulent documentation for skilled nursing care home visits that Respondent did not actually provide, this resulted in Home Health United billing Medicare for those fraudulent services. The services not provided totaled \$549.83, the amount of which Home Health United deducted from Respondent's final paycheck.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.7, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct of obtaining or attempting to obtain any compensation by fraud; misrepresentation, deceit or undue influence in the course of nursing practice as described in paragraph(s) 4 - 13, above, constitutes a violation of Wis. Admin. Code § N 7.04(13).

3. Respondent's conduct of falsifying or inappropriately altering patient medical records as described in paragraph(s) 4 - 12, above, constitutes a violation of Wis. Admin. Code § N 7.04(6).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of Nicole Savage Burkheimer, R.N., to practice as a professional nurse in the State of Wisconsin is hereby SUSPENDED for six (6) months, effective the date of this Order.

2. Respondent's license shall also be LIMITED until further Order of the Board in the following manner:

a). Within ninety (90) days from the date of this Order, Respondent shall successfully complete a minimum of twelve (12) hours of continuing education in Nursing Ethics. The Board or its designee must approve all continuing education programs prior to Respondent enrolling in, attending, or completing a continuing education program. Respondent shall send a Certificate of Completion for each continuing education program to the Department Monitor upon successful completion of each continuing education program. Respondent is responsible for paying the costs of any continuing education program.

b). Respondent shall not provide any home health nursing care, and shall not work for any nursing agency service.

c). For a period of at least one year, Respondent shall ensure that her employer submits quarterly work reports to the Department Monitor. These quarterly work reports shall describe Respondent's duties and responsibilities and evaluate Respondent's work performance. After a year of satisfactory reports, Respondent can petition the Board to have this limitation removed from her license.

d). Respondent must provide a copy of this Order to her current employer and any future employers as long as her license is LIMITED.

IT IS FURTHER ORDERED that:

3. Respondent shall, within ninety (90) days from the date of this Order, pay COSTS of this proceeding in the amount of Eight Hundred Seventy-Five DOLLARS (\$875.00).

Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

4. In the event Respondent fails to timely and successfully complete the ordered continuing education, fails to timely submit the required quarterly work reports or fails to timely pay costs, as ordered, the Respondent's license (# 144747) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has paid them in full, including any accrued interest.

5. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

1/28/10
Date